




**MOUNTAINS RECREATION & CONSERVATION AUTHORITY**

Los Angeles River Center and Gardens  
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**MEMORANDUM**

**TO:** The Governing Board

**FROM:**   
Joseph T. Edmiston, FACP, Executive Officer

**DATE:** January 22, 2007

**SUBJECT:** **Agenda Item IV: Consideration of a resolution rescinding Resolution No. 06-174, adopted November 29, 2006, relative to adoption of the public works plan.**

Staff Recommendation: That the Governing Board adopt the attached resolution authorizing rescission of Resolution No. 06-174, adopted November 29, 2006, relative to adoption of the Malibu Parks Public Access Enhancement Plan - Public Works Plan.

Legislative Authority: Government Code Section 6500 *et seq.*

Background: The Malibu Public Parks Access Enhancement Plan-Public Works Plan (PWP) was prepared jointly with the Santa Monica Mountains Conservancy. The PWP was adopted on November 29, 2006 at a joint meeting of the Santa Monica Mountains Conservancy and Mountains Recreation and Conservation Authority.

The City of Malibu contends that the PWP is not certifiable because it is inconsistent with the Malibu Local Coastal Program. The City has filed a petition for writ of mandate and declaratory relief to seek to set aside the adoption of the PWP.

At its January 17, 2007 meeting, in open session, the Malibu City Council authorized entering into a Memorandum of Understanding Agreement with Santa Monica Mountains Conservancy and the Mountains Recreation and Conservation Authority to attempt to resolve their differences through employing the provisions of the Coastal Act and Malibu Local Coastal Program. A copy of the Council Agenda Report is attached. A copy of the Memorandum of Understanding Agreement will be distributed prior to the Governing Board meeting under separate cover.